

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO.8408 OF 2005

In

CRIMINAL APPEAL NO.1214 OF 2005

1. Rasul Suleman Mulla

2. Sikandar Rasul Mulla

: Applicants

(Orig. Accused)

V/s.

The State of Maharashtra

: Respondent

...

WITH

CRIMINAL APPLICATION NO.8409 OF 2005

In

CRIMINAL APPEAL NO.1214 OF 2005

1. Meerasaheb Rasul Mulla

2. Alamrabi Sikandar Mulla

3. Javed Sikandar Mulla

: Applicants

(Orig. Accused)

V/s.

The State of Maharashtra

: Respondent

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Mr.A.P.Mundargi with Mr.A.B.Vagyani for the applicants.

Mrs.S.D.Shinde, Addl. Public Prosecutor for the State.

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**CORAM : D.G.DESHPANDE & S.A.BOBDE, JJ.**

DATE : JULY 10, 2006.

**P.C.**

1. Accused Nos.1 and 4 were granted bail during trial by this Court (Abhay S.Oka,J.). Accused No.1 was granted bail on the ground that he was aged 79 years at that time and he is suffering from Hypertensive Cardiomyopathy with LV dysfunction and he needs regular medical check up and treatment and further investigations. Accused No.4 was granted bail on the ground that she is a female aged about 38 years at that time. On merits, in fact, they are not entitled for bail. However, looking to this order and the circumstances, the applications are allowed to that extent only.

2. So far as the other accused are concerned, there is a strong evidence against them in the form of a dying declaration. Specific role is attributed to them. Secondly, though they were present in the house, they did not try to extinguish the fire. Thirdly, it is the neighbours who took the victim to the hospital. Fourthly, there are no suspicious circumstances in the dying declaration. Therefore, the prayer for bail is granted only in respect of accused Nos.1 & 4.

3. In the result, Accused Nos.1 and 4, viz., Rasul Suleman Mulla and Alamrabi Sikandar Mulla be released on

bail on P.R. bond of Rs.7,500/- (Rupees Seven Thousand Five Hundred only) each with one or two solvent sureties in the like amount. The order is passed only on humanitarian ground and because of the earlier order passed by this Court and not on merits.

4. Criminal Application Nos.8408 of 2005 and 8409 of 2005 are disposed of in the above terms.

D.G. DESHPANDE, J.

S.A. BOBDE, J.